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JH

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/602,943 09/602,943	06/26/00	SWANSON	J

JASON KENT SWANSON  
614 SOUTH SYCAMORE  
3001 WEST LEOTA  
NORTH PLATTE NE 69101

PM82/1025

EXAMINER	
I FV, R	
ART UNIT	PAPER NUMBER
368634	4

DATE MAILED:

10/25/01

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

\* SEE ATTACHED PAPER OF Non-Responsive  
Amendments of Sep. 4, 2001.

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## DETAILED ACTION

### *Response to Amendment*

1. The amendment filed September 4, 2001 is *not fully responsive* to the Office action dated June 12, 2001 because claim 10 appears to have been canceled on page 3, however, claim 10 also appears to have been amended on page 11. Further claim 9 was an independent claim, however, now it is dependent on claim 8; and claim 10 was dependent on claim 9, however, now it is independent; all these changes were not specified, described and/or discussed. These changes are all deemed to be improper.

2. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

3. The reply filed on September 4, 2001 is *not fully responsive* to the prior Office action of June 12, 2001 because the amendment requests the addition of more than five words in at least one claim. See 37 CFR 1.121(a)(2)(I) below:

(I) Instructions for insertions and deletions: A claim may be amended by specifying only the exact matter to be deleted or inserted by an amendment and the precise point where the deletion or insertion is to be made, where the changes are limited to:

(A) Deletions and/or

(B) The addition of no more than five (5) words in any one claim; or

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The amendment to the claims should be made in accordance with 37 CFR 1.121(a)(2)(ii) which states:

(ii) Claim cancellation or rewriting: A claim may be amended by directions to cancel the claim or by rewriting such claim with underlining below the matter added and brackets around the matter deleted. The rewriting of a claim in this form will be construed as directing the deletion of the previous version of that claim. If a previously rewritten claim is again rewritten, underlining and bracketing will be applied relative to the previous version of the claim, with the parenthetical expression "twice amended," "three times amended," etc., following the original claim number. The original claim number followed by that parenthetical expression must be used for the rewritten claim. No interlineations or deletions of any prior amendment may appear in the currently submitted version of the claim. A claim canceled by amendment (not deleted and rewritten) can be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number.

Since the above-mentioned reply appears to be *bona fide*, applicant is given TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

4. An examination of this application reveals that applicant is unfamiliar with patent prosecuting procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

5. It is called to applicant's attention that if a communication is deposited with the U.S. Postal Service and mailed to the Office by First Class Mail before the reply time has expired,

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applicant may submit the reply with a "Certificate of Mailing" which merely asserts that the reply is being mailed on a given date. So mailed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231  
on \_\_\_\_\_(date).

Typed or printed name of person signing this certificate

\_\_\_\_\_

Signature \_\_\_\_\_

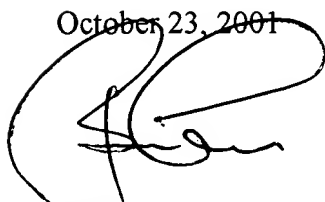
Date \_\_\_\_\_

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

October 23, 2001

A handwritten signature in black ink, appearing to be "Bruce A. Lev", written over a horizontal line.

*Bruce A. Lev*  
*Patent Examiner*  
*Group 3600*